

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TEXAS  
WACO DIVISION**

WSOU INVESTMENTS, LLC d/b/a BRAZOS  
LICENSING AND DEVELOPMENT,

Plaintiff,

v.

DELL TECHNOLOGIES INC., DELL INC.,  
AND EMC CORPORATION,

Defendants.

Case No. 6:20-cv-00476-ADA

**DECLARATION OF BRIAN A. ROSENTHAL IN SUPPORT OF  
DEFENDANTS' MOTION TO DISMISS FIRST AMENDED COMPLAINT  
FOR FAILURE TO STATE A CLAIM**

I, Brian A. Rosenthal, declare as follows:

1. I am an attorney permitted to practice law before this Court *pro hac vice* and am licensed to practice law in New York and the District of Columbia. I am a partner with the law firm of Gibson, Dunn & Crutcher LLP and counsel of record for Defendants Dell Technologies Inc., Dell Inc. and EMC Corporation in the above-captioned action. I have personal knowledge and/or am directly informed of the matters stated below and, if called, would testify to them under oath.

2. Attached here as **Exhibit A** is a true and correct copy of a Workshare-generated redline comparison between the October 19, 2020 First Amended Complaint of Plaintiff WSOU Investments, LLC d/b/a Brazos Licensing and Development (“Plaintiff”) and Plaintiff’s June 2, 2020 Original Complaint For Patent Infringement. This comparison was generated on October 25, 2020.

3. Attached here as **Exhibit B** is a true and correct copy of a letter sent via e-mail from Defendants to Plaintiff on September 30, 2020.

4. Attached here as **Exhibit C** is a true and correct copy of the docket report for *WSOU Investments, LLC v. Dell Technologies Inc.*, Case No. 6:20-cv-00407-ADA (W.D. Tex.). This docket report was retrieved from PACER on October 30, 2020.

5. I declare under penalty of perjury that the foregoing is true and correct.

Dated: October 30, 2020

/s/ Brian A. Rosenthal  
Brian A. Rosenthal